

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

DALLAS NESBITT, Individually, and)	Civil Action File No.
BRIANNA CORDOVA, Individually, and)	4:16-cv-00009-WTM-GRS
as NEXT FRIEND of A.N., a minor,)	
)	
Plaintiffs,)	
)	
v.)	
)	
BRITTANY BACOT;)	
BACOT'S ELECTRICAL SERVICES,)	
L.L.C.)	
and WESLEY ADAM SHERROD,)	
)	
Defendants.)	

ORDER

On January 8, 2016, Plaintiffs filed their Complaint for Damages alleging claims for negligence *per se* and negligence against Defendant Brittany Bacot; Defendant Bacot's Electrical Services, L.L.C., and Defendant Wesley Adam Sherrod. *See* Doc. # 1. Summonses for Defendants were issued, *see* Docs. # 2, 3, 5, and all Defendants were served with a summons and the Complaint on January 10 or 11, 2016, *see* Docs. # 6, 7, 8.


Defendant Wesley Adam Sherrod was personally served with the Complaint, summons, and General Order on January 11, 2016, as shown by the Affidavit of

Process Server. *See* Doc. # 8. Defendant Sherrod failed to timely answer. *See* Fed. R.Civ.P. 12(a)(1)(i).

Plaintiffs moved for Entry of Default on March 21, 2016. *See* Doc. # 11. Mr. Sherrod then filed a Motion to Set Aside Default on March 23, 2016, *see* doc # 13, which occasioned a Response, *see* doc # 16, and a Reply. *See* doc # 17. However, no default was ever entered.

Meanwhile, the parties and their counsel have conferred and have agreed to extend the time for Defendant Sherrod to file his Answer, doc. 20, so the Motion for Entry of Default is **DENIED**. Doc. 11. Sherrod's Motion To Open Default is legally extraneous because no default was ever entered in this case, so that motion is **DENIED** as moot. Doc. 13. His Answer is due within 10 days of the date this Order is served. Finally, the parties' Consent Motion is otherwise **GRANTED**. Doc. 20.

SO ORDERED, this 8th day of June, 2016.



United States Magistrate Judge
Southern District of Georgia